

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Randall Edward Gregor and
Laurie Ann Gregor

Case No.: BKY 18-31349
Chapter 7 Case

Debtors.

Nolan McNally, a minor child, by his parents,
Crystal McNally and Brendan McNally; and
Crystal McNally and Brendan McNally, individually,

Adv. Case No.: 18-03098

Plaintiffs,

v.

Laurie Ann Gregor,

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR DEFAULT JUDGMENT

This matter came before the Court on an application for default judgment filed by Plaintiffs Nolan McNally, Crystal McNally, and Brendan McNally. Based upon the files, records, and proceedings herein, the Court makes the following findings of fact, conclusions of law, and order for judgment.

Findings of Fact and Conclusions of Law

1. Prior to the filing of Defendant Laurie Ann Gregor's bankruptcy case, Plaintiffs commenced a civil action against the Defendant in Scott County, Minnesota District Court, file No. 70-CV-18-7784. The civil action sought monetary damages arising from personal injuries to plaintiff Nolan McNally, while he was in the care of the Defendant.

2. Plaintiffs wish to continue with the civil action. Plaintiffs acknowledge that any recovery would only be available against insurance carriers or other third parties.

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on **01/28/2019**
Lori Vosejpkka, Clerk, by WM

3. The Defendant was served with the Summons and Complaint via First Class Mail on December 12, 2018.

4. The Defendant has not filed an answer or requested an extension to file an answer and more than 30 days have elapsed since service of the summons and complaint.

5. By failing to answer the Complaint, the Defendant is in default under Fed. R. Civ. P. 55, as incorporated by Fed. R. Civ. P. 7055.

6. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G). The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 1334 and 157, and Local Rule 1070-1.

IT IS ORDERED

1. The Plaintiffs' continuation of Scott County, Minnesota civil action No. 70-CV-18-7784, and any other related actions filed naming Laurie Ann Gregor as a defendant, does not violate the discharge injunction under bankruptcy code section 524 in Defendant's bankruptcy case.

2. Any judgment obtained in such actions may not be enforced as a personal liability against Defendant or Defendant's property.

LET JUDGMENT BE ENTERED ACCORDINGLY.

/e/ William J. Fisher

Dated: *January 28, 2019*

WILLIAM J. FISHER
United States Bankruptcy Judge